

Remarks/Arguments

Claims 1-34 are pending in this Application. In the Office Action mailed October 28, 2005, the Examiner rejected Claims 1-2 and 4-34 under 35 U.S.C. § 102(e) as being anticipated by Onyshkevych et al. (US Patent No. 6,665,577). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Onyshkevych et al. Applicants respectfully address the basis for the Examiner's rejections below.

Applicant respectfully submits amended independent Claims 1, 14, 22, 27, 29, 33 and 34, amended to further define subject matter of the instant invention. For example: a target consumer group is further defined as a plurality of pre-selected persons (Claims 1, 14, 22, 34); grading rules are further defined as non-linear grading rules (Claims 1, 14, 22, 27, 29, 34); creating a sample garment is further defined as creating at least one sample garment for each body type (Claims 1, 14, 22, 29); and to provide a garment is further defined as a to provide a number of garments fit for the target consumer group. (Claims 1, 14, 22, 27, 29, 33, 34). Applicant submits that such amendments alone or in combination and in reference to each claim as listed in the Listing of Claims are not taught or suggested by Onyshkevych et al. Rather, Onyshkevych et al. disclose and suggest a method and system for determining fit of only one garment at a time for a single "user" at a time by identifying a fit score that compares possible body measurements of the single user to predetermined "permissible" measurement of the only one garment. (see, e.g., Claims or Col. 10, ll. 45-49) Moreover, Onyshkevych et al. do not create at least one sample garment for each body type or provide a number of garments fit for a target consumer group (which includes a plurality of pre-selected persons). Because Onyshkevych et al. do not disclose or suggest expressly or inherently each and every element of amended Claims 1, 14, 22, 27, 29, 33 and 34 or any of these amended claims on their whole, nor is the invention of Onyshkevych et al. arranged as required by such amendments, amended Claims 1, 14, 22, 27, 29, 33 and 34 and their dependents are not anticipated by Onyshkevych et al. Accordingly, Applicant respectfully requests entry and allowance of these amended claims and their dependents.

Applicants further submit amended Claims 18-20, 24-26, and 33, amended as to matters of form and/or to further define subject matter of the instant invention. Claim 26 has also been amended to provide proper antecedent basis. Claim 28 has been canceled.

Conclusion

Applicant respectfully submits that the pending and amended claims as provided in the Listing of Claims beginning on page three of this paper are in condition for allowance. No new matter has been introduced with the amendments described herein. For the reasons set forth above, Applicant respectfully requests entry and allowance of the claims as provided in the Listing of Claims beginning on page three of this paper.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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